

Ball- a field for storing a first identifier corresponding to a targeted message and a purchase behavior classification based on at least one selected purchase behavior criterion and the observed offline purchase history of the consumer, said purchase history including information of a purchase of the consumer collected at a point of sale when the purchase transpired; and

a field for storing a personal identification number corresponding to the consumer, the first identifier and the personal identification number being readable by at least one processor for facilitating the delivery of the targeted advertisement.

90. (Twice Amended) The computer readable medium of Claim 89, wherein the targeted message comprises an interactive voice response message.

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#### REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 85-90 are pending. The present amendment amends claims 85-90. The amendment to the claims are fully supported by the originally filed disclosure and are not believed to raise an issue of new matter.

Before discussing the outstanding grounds for rejection, applicants wishes to thank the examiner for the courtesies extended during the personal interview of February 7, 2001, at which time the subject invention was explained in light of applicants' disclosure. Additionally, the outstanding issues in the present application were discussed, and arguments substantially as hereinafter developed were presented. However, no agreement was reached with regard to the ultimate patentability of the application, pending the examiner's detailed reconsideration upon submission of a formal response to the outstanding Office Action.

With respect to numbered paragraph 1 of the outstanding Office Action, applicants submit herewith copies of the three non-patent references submitted in an information disclosure statement in parent application serial No. 09/226,174 that were not considered by the examiner in the information disclosure statement submitted in the present application when the present application was filed. Accordingly, applicants request that these non-patent references be indicated as considered.

With to the objection to the drawings at numbered paragraph 2 of the outstanding Office Action, applicants propose to change the drawings as indicated in the letter to the draftsman submitted herewith. Specifically, as discussed during the interview, applicants propose to add telephone 11 to Figure 1 and to change the reference numbers in Figure 3 to correspond to the written description of those items in the specification. Support for these changes is found in the specification, for example, on page 12, lines 16-29, and on page 28, lines 22-24. Thus, the changes to the drawings are not believed to raise an issue of new matter.

On pages 2-6 of the outstanding Office Action, claims 85-90 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, claim 85 was rejected under 35 U.S.C. § 102(e) as being anticipated by Scroggie et al, claim 86 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Laor, claim 87 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Jermyn, claim 88 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Jermyn and further in view of Laor, and claims 89 and 90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Csaszar et al.

Attention is first directed to the rejection of claims 85-90 under 35 U.S.C. § 101. Claims 85-90 are presently amended, as discussed during the interview, to show the

functional relationship between the information stored in the fields of a data structure and the processor that uses the information. Additionally, the term "memory" was changed to "computer readable medium" in claims 85-90 to correspond more closely to the examples of statutory subject matter provided in the examination guidelines referenced in numbered paragraph four of the outstanding Office Action. Therefore, applicants respectfully submit that claims 85-90 fully comply with the requirements of 35 U.S.C. § 101.

Attention is now directed to the rejection of claim 85 as being anticipated by Scroggie et al. Claim 85 is presently amended to define a first identifier identifying a first computer. During the interview, it was pointed out that the e-mail address disclosed in Scroggie et al does not teach or suggest a first identifier identifying a computer associated with a consumer. Therefore, applicants respectfully request that the rejection of claim 85 under 35 U.S.C. § 102(e) be withdrawn.

With respect to the rejection of claim 87 under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Jermyn and the rejection of claim 89 under 35 U.S.C. § 103(a) as being unpatentable over Scroggie et al in view of Csaszar et al, applicants respectfully submit that claims 87 and 89 define limitations which are neither taught nor suggested by the applied references. Additionally, per 35 U.S.C. § 103(c) applicants note that the Scroggie et al patent is not available as 102(e)/103 prior art against the present application since, at the time the invention of the present application was made, the Scroggie et al patent and the present application were commonly owned by or under obligation of assignment to SuperMarkets Online, Inc. or Catalina Marketing International, Inc., both of which were either wholly or majority owned by Catalina Marketing Corp. *See* Statement of Common Ownership (submitted herewith).

Therefore, in view of the foregoing discussion, no further issues are believed to be outstanding in the present application. Therefore, applicants respectfully request that this application be allowed and be passed to issue

Respectfully submitted,

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85. (Twice Amended) A [memory] computer readable medium for storing information for delivering a targeted advertisement, comprising a data structure including:

a field for storing a first identifier [corresponding to] identifying a first computer associated with a consumer; and

a field for storing a second identifier associated with said first identifier and corresponding to an observed offline purchase history of the consumer, said purchase history including information of an offline purchase of the consumer collected at a point of sale when the offline purchase transpired, the first identifier and the second identifier being readable by at least one processor for facilitating the delivery of the targeted advertisement.

86. (Twice Amended) The [memory] computer readable medium of Claim 85, wherein the first identifier comprises[:]

a cookie [number];

and wherein the second identifier comprises[:]

a shopper card identification code of the consumer.

87. (Twice Amended) A [memory] computer readable medium for storing information for delivering a targeted advertisement, comprising a data structure including:

a field for storing a first identifier corresponding to a first computer and associated with an observed offline purchase history of a consumer, said purchase history including

information of an offline purchase of the consumer collected at a point of sale when the offline purchase transpired; and

a field for storing a purchase behavior classification based on at least one selected purchase behavior criterion and the observed offline purchase history of the consumer, the first identifier and the purchase behavior classification being readable by at least one processor for facilitating the delivery of the targeted advertisement.

88. (Twice Amended) The [memory] computer readable medium of Claim 87, wherein the first identifier comprises[:] a cookie [number].

89. (Twice Amended) A [memory] computer readable medium for storing information for delivering a targeted message, comprising a data structure including:

a field for storing a first identifier corresponding to [an] a targeted message and a purchase behavior classification based on at least one selected purchase behavior criterion and the observed offline purchase history of the consumer, said purchase history including information of a purchase of the consumer collected at a point of sale when the purchase transpired; and

a field for storing a personal identification number corresponding to the consumer, the first identifier and the personal identification number being readable by at least one processor for facilitating the delivery of the targeted advertisement.

90. (Twice Amended) The [memory] computer readable medium of Claim 89, wherein the targeted message comprises[:] an interactive voice response message.